

## MONTANA RESERVED WATER RIGHTS COMPACT COMMISSION

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*Working to "conclude compacts for the equitable division and apportionment of waters between the State and its people and the several Indian Tribes claiming reserved water rights within the state," and "between the State and its people and the federal government claiming non-Indian reserved waters within the state" (85-2-701, 703)*

- **Montana's Reserved Water Rights Compact Commission (RWRCC)** was established by the Montana Legislature in 1979 as part of the state-wide general stream adjudication process (85-2-701, MCA). The RWRCC is attached to the Department of Natural Resources & Conservation for administrative purposes. The Commission is scheduled to sunset on July 1, 2013.
- **The RWRCC is composed of nine members.** Four members are appointed by the Governor, one member is appointed by the Attorney General, two members are appointed by the President of the Senate and two members are appointed by the Speaker of the House of Representatives. A professional and technical staff of five supports the RWRCC including the staff director, one attorney, an agricultural engineer, one hydrologist, and a GIS specialist. The staff is scheduled to transfer to the DNRC to conduct compact implementation tasks upon sunset of the Commission.
- **The RWRCC is authorized to negotiate settlements** with federal agencies and Indian tribes that claim federal reserved water rights within the State. A federal reserved water right is a right to use water that is implied from an act of Congress, a treaty, or an executive order establishing a tribal or federal reservation. The amount of water to which a reservation is entitled depends on the purpose for which the land was reserved. In Montana, reserved water rights have been claimed for seven Indian reservations, for allotments for the Turtle Mountain Chippewa Tribe, for national parks, forests, and wildlife refuges, and for federally designated wild and scenic rivers.
- **The claims of the tribes and the federal agencies are suspended from adjudication** in the Montana Water Court while they are being negotiated by the RWRCC (85-2-217 MCA). Settlements negotiated by the RWRCC on behalf of the State are ratified by the Montana Legislature and the Tribes and approved by the appropriate federal authorities. In some instances, approval by the U.S. Departments of Justice and the Interior will be sufficient. In other cases, where federal authorization or federal appropriations are needed to implement provisions of the settlement, Congressional approval will be required.
- **Citizen participation** is an essential element of each negotiation and insures that the RWRCC's deliberations on behalf of the State address the concerns of the public and incorporate local solutions to water use problems. The negotiations are open to the public and additional public meetings are held during initial stages of negotiations and again when negotiations are nearing completion. Public comment may be submitted during the legislative phase and finally, objections may be made to the Montana Water Court prior to the incorporation of a compact into a basin decree.

## **COMPLETED COMPACTS**

*(Dates of passage and approval by Montana Legislature)*

**Fort Peck Tribe –Assiniboine and Sioux**  
May 1985, 85-20-201, MCA

**Northern Cheyenne Tribe**  
September 1992, 85-20-301, MCA  
Congress: P.L. 102-374 (1992)

**U.S. Department of the Interior, National Park Service**  
Jan. 1994, 85-20-401, MCA  
Yellowstone National Park  
Glacier National Park  
May 1995  
Little Bighorn Battlefield National Monument  
Big Hole National Battlefield  
Bighorn Canyon National Recreation Area

**U.S. Department of the Interior, Bureau of Land Management**  
September 1997, 85-20-501, MCA  
Upper Missouri National Wild and Scenic River  
Bear Trap Canyon Public Recreation Site

**Rocky Boy's Reservation – Chippewa Cree Tribe**  
April 1997, 85-20-601, MCA  
November 1999, Congress: P.L. 106-163

**U.S. Department of the Interior, Fish and Wildlife Service**  
July 1997, 85-20-701, MCA  
Black Coulee National Wildlife Refuge  
Benton Lake National Wildlife Refuge  
April 1999, 85-20-801, MCA  
Red Rock Lakes National Wildlife Refuge  
March 2007, 85-20-1301, MCA  
Bowdoin National Wildlife Refuge  
April 2009, 85-20-1601  
National Bison Range

**Crow Tribe**  
June 1999, 85-20-901, MCA Special Legislative Session

**Fort Belknap - Gros Ventre and Assiniboine**  
April 2001, 85-20-1001, MCA

**U.S. Department of Agriculture, Agriculture Research Service**  
March 2007, 85-20-1101, MCA  
Fort Keogh Livestock and Range Research Laboratory  
March 2007, 85-20-120, MCA  
Sheep Experiment Station

**U.S. Department of Agriculture, Forest Service**  
April 2007, 85-20-1401, MCA

**Blackfeet Tribe**  
2009, 85-20-1501, MCA

## **COMMISSIONERS – 2010**

*(Four-year terms)*

Chris Tweeten, Chairman  
Attorney General's Office appointee

Richard Kim  
Governor's appointee 2009

Gene Etchart  
Governor's appointee 2007

Dorothy Bradley  
Governor's appointee 2007

Mark DeBruycker  
Governor's appointee 2007

Representative Dave McAlpin (1)  
House Speaker appointee

Rep. Jeffrey Welborn  
House Speaker Appointee

Senator John Brueggeman (2)  
Senate President Appointee

Senator Carol Williams  
Senate President Appointee

- (1) Representative McAlpin did not seek re-election. The House Speaker will appoint a new Commissioner.
- (2) Senator Brueggeman has resigned from the Senate. The Senate President will appoint a new Commissioner.